

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|   |   |                              |
|---|---|------------------------------|
| EDDYSTONE RAIL COMPANY, LLC,  | ) |                              |
|   | ) |                              |
| Plaintiff/Counterdefendant,   | ) |                              |
|   | ) |                              |
| v.  | ) | Civil Action No. 17–cv–00495 |
|   | ) |                              |
| BRIDGER LOGISTICS, LLC, JULIO RIOS,<br>JEREMY GAMBOA, FERRELLGAS<br>PARTNERS, L.P., and FERRELLGAS L.P. | ) |                              |
|   | ) |                              |
| Defendants/Counterclaimants/<br>Third-Party Plaintiffs.   | ) |                              |
|   | ) |                              |
|   | ) |                              |
|   | ) |                              |

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**STIPULATION REGARDING ADMISSIBILITY OF EVIDENCE**

WHEREAS, the parties to the above-captioned matter (the “Parties”) have recently discussed various methods to streamline the process of admitting evidence in this case, including at trial; and

WHEREAS, as a result of those discussions, the Parties have reached agreement regarding several proposed compromises relating to the admissibility of several categories of documents;

NOW, WHEREFORE, IT IS HEREBY STIPULATED and AGREED by the Parties as follows:

1. There shall be a rebuttable presumption that all documents produced in discovery in the above-captioned action (the “Action”) meet the requirements for authenticity under Fed. R. Evid. 901, the presumption being rebuttable upon the submission of competent evidence contesting authenticity.

2. The following categories of documents produced before July 28, 2020 in discovery in this Action shall be considered to meet the business records exception to the hearsay rule as set forth in Fed. R. Evid. 803(6)): (i) accounting documents, (ii) reports reflecting operations at the Eddystone, Pa. transloading facility (“Facility”) or rail and barge movements, (iii) monthly management reports, and (iv) rate sheets.

3. As used in Paragraph 2, above,

(i) “accounting documents” shall mean (a) all records, spreadsheets, and other documents sourced from any accounting system of any Bridger/Ferrellgas entity, Eddystone, or any Jamex entity, including without limitation general ledgers, sub-ledgers, accounts payable and accounts receivable registers, journal entries, trial balances, income statements, balance sheets, cash flow statements, and any other reports of the data in such accounting system (excluding any reports created for purposes of this litigation); and (b) invoices sent to or by any Bridger/Ferrellgas entity, Eddystone, or any Jamex entity;

(ii) “reports reflecting operations at the Eddystone, Pa. transloading facility or rail and barge movements” shall mean the records, spreadsheets, and other documents created or compiled by any Bridger/Ferrellgas entity or Eddystone that reflect transloading operations at the Facility and/or train and barge transit to or from the Facility, including train tracking reports, barge tracking reports, and documents disclosing storage tank levels, loading rates, or unloading rates;

(iii) “monthly management reports” shall include the spreadsheets created by any Bridger entity reflecting consolidated accounting and financial information of Bridger entities;

(iv) “rate sheets” shall mean spreadsheets and records reflecting fee schedules created by any Bridger or Ferrellgas entity.

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SO ORDERED:

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Hon. Jan. E. DuBois, J.

**CERTIFICATE OF SERVICE**

This is to certify that I have this August 24, 2020 caused copies of the foregoing  
Stipulation Regarding Admissibility of Evidence to be sent to counsel for all parties via email.

Dated: August 24, 2020

/s/ Andrew J. Sloniewsky  
Andrew J. Sloniewsky